

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSHUA D. LAMBERT,

Plaintiff,

v.

ROBERT S. McKAY, et al.,

Defendants.

CASE NO. C19-1829-BJR

ORDER GRANTING DEFENDANT  
ROBERT McKAY'S MOTION TO DISMISS

The Court, having reviewed Plaintiff's complaint, Defendant Robert McKay's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, the objections filed thereto, and the remaining record, hereby finds and ORDERS:

(1) Plaintiff's objections are untimely; nevertheless, the Court has reviewed the objections and Plaintiff raises no argument that was not already addressed and validly rejected in the Report and Recommendation;

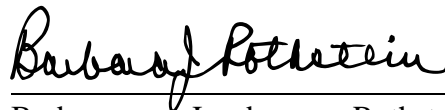
(2) The Court therefore adopts the Report and Recommendation;

(3) Defendant Robert McKay's motion to dismiss (Dkt. No. 14) is GRANTED;

1 (4) Plaintiff's complaint (Dkt. No. 6) and this action are DISMISSED with prejudice as  
2 to the federal constitutional claims asserted against Defendant McKay and without prejudice as to  
3 the state law claim asserted against him; and  
4

5 (5) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
6 Defendants, and to Judge Theiler.

7 Dated this 16th day of March 2021.

8   
9 \_\_\_\_\_  
10 Barbara Jacobs Rothstein  
11 U.S. District Court Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27